



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Michele Buckley,
Administrative Analyst 4
(PS9468G), Department of
Environmental Protection

Examination Appeal

CSC Docket No. 2020-1068

ISSUED: December 18, 2019 (RE)

Michele Buckley appeals the determination of the Division of Agency Services (Agency Services) that she does not meet the experience requirements, per the substitution clause for education, for the promotional examination for Administrative Analyst 4 (PS9468G), Department of Environmental Protection.

The subject examination announcement was issued with a closing date of April 22, 2019, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Administrative Analyst 3 OR in any competitive title and who met the announced requirements. The requirements included graduation from an accredited college or university with a Bachelor’s degree, and four years of experience in work involving the review, analysis, and evaluation of budget, organization, administrative practices, operational methods, management operations or data processing applications, or any combination thereof, which shall have included responsibility for recommendation, planning, and/or implementation of improvements in a business or government agency. Applicants who did not possess the required education could substitute additional experience on a year for year basis. The appellant was found to be below minimum requirements in experience. There was one candidate on the eligible list, which has not yet been certified.

On her application, the appellant indicated that she possessed no college credits. As such, she was required to possess eight years of applicable experience. The appellant listed experience in 14 positions on her application: provisional

Administrative Analyst 4; Standards and Procedures Technician 3; Principal Public Information Assistant; Senior Public Information Assistant; Public Information Assistant; two positions as Management Assistant; Public Information Assistant; two positions as Secretarial Assistant 2; two positions as Secretarial Assistant 3; and two positions as Principal Clerk Stenographer. She was credited with one year, two months of applicable experience in her provisional position, and she was found to be lacking six years, ten months of applicable experience.

On appeal, the appellant states that she does not have a Bachelor's degree, but asserts that she has worked out-of-title as an Administrative Analyst 4 while in the titles Standards and Procedures Technician 3, and Principal Public Information Assistant from 2011. She provides a list of duties that she has performed in that time period. In support, the Assistant Director indicates that the appellant performed out-of-title work since July 2011.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

The appellant was denied admittance to the subject examination since she lacked the minimum requirements in experience, specifically, per her application, she lacked six years, ten months of qualifying experience per the substitution clause for education. Agency Services noted that the appellant had five years and eight months of out-of-title work experience. However, the duties provided for that time period do not appear to be consistent with how she described her experience as a Public Information Assistant and provisional experience on a prior promotional application she submitted for Standards and Procedures Technician 3 (PS9482G), which closed on December 22, 2014. A review of that application indicates a different set of duties for her prior-held positions, including Standards and Procedures Technician 3 and Principal Public Information Assistant. For that application, her duties as a Principal Public Information Assistant matched those for Standards and Procedures Technician 3. In the current application, the duties of both titles match the requirements of the title under test. The Standards and Procedures Technician 3 examination required a Bachelor's degree and four years of professional experience in the review, writing, analysis, and revision of program policy, procedures, informational materials, rules, guidelines, and/or program analysis and development. The appellant does not possess a Bachelor's degree, and does not have the required eight years in a provisional Standards and Procedures Technician 3 position. Her positions as a Standards and Procedures Technician 3,

two positions as Principal Public Information Assistant (to 2011), and her Senior Public Information Assistant position was accepted for that examination. These positions cannot now have a new primary focus that matches the current requirements.

For the appellant's provisional position, it also appears that it may be misclassified. The title under test is more generic than her duties, as evidenced by the variants for this title, and her duties are specific, as they are more closely aligned with budget analysis. Given the variance between the appellant's duties and the definition for Administrative Analyst 4, Agency Services should perform a classification review of her current position. If it is determined that she is properly classified, another examination can be announced. However, as the appellant's work as a Standards and Procedures Technician 3, Principal Public Information Assistant (to 2011), and Senior Public Information Assistant position was accepted for an examination for Standards and Procedures Technician 3, it cannot also be accepted as out-of-title work for Administrative Analyst 4.

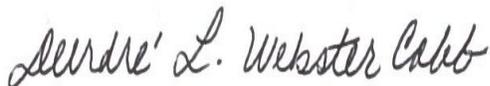
An independent review of all material presented indicates that the decision of the Agency Services, that the appellant did not meet the announced requirements for eligibility, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the matter of the appellant's position classification be referred to Agency Services for review.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF DECEMBER, 2019



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